

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 19-25 are in the case.

I. CLAIM OBJECTIONS

Claims 1, 3 and 4 have been objected to as reciting non-elected subject matter. In response, all claims in this application have been cancelled without prejudice, and replaced by new claims 19-25 in which the at least one *P. gingivalis* epitope comprises the SEQ ID NO:5 sequence. New claim 21 which is dependent on claim 19 recites the SEQ ID NO:7 sequence which includes the sequence of SEQ ID NO:5. Withdrawal of the claim objections is now believed to be in order. Such action is respectfully requested.

II. ELECTION

The election of Group V is hereby affirmed. The non-elected subject matter has been cancelled without prejudice to the possibility of pursuing that subject matter in a separate divisional application.

III. THE 35 U.S.C. §112, FIRST PARAGRAPH, REJECTION

Claims 1 and 3-7 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Examiner alleges that the specification does not disclose distinguishing and identifying features of a representative number of members of the genus of peptides to which the claims are drawn.

In response, SEQ ID NO:7 falls within the scope of new claim 19 in that it includes within its sequence the sequence of SEQ ID NO:5. SEQ ID NO:7 represents part of a continuous sequence of the PrtR27 adhesin which was observed to bind antibody from mouse sera and human sera in a patient who did not have periodontitis, thus confirming a role for the SEQ ID NO:7 peptide in providing protection against periodontitis. Support appears in the originally filed specification at page 21, lines 13-18 and on page 23, lines 1 and 2 and 13-15.

It is believed that the invention as now claimed is described by the originally filed specification. Withdrawal of the 35 U.S.C. §112, first paragraph, rejection is accordingly respectfully requested.

IV. THE 35 U.S.C. §112, SECOND PARAGRAPH, REJECTION

Claim 7 stands rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite in view of the language "the multimer(s) comprise different peptides". In response, and without conceding to the merit of this rejection, the subject matter of claim 7 does not appear in the new claims presented herewith. Withdrawal of the outstanding 35 U.S.C. §112, second paragraph, rejection is accordingly respectfully requested.

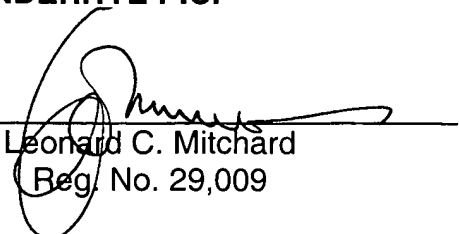
Allowance of the application is awaited.

O'BRIEN-SIMPSON et al
Appl. No. 09/914,612
August 16, 2004

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Leonard C. Mitchard
Reg. No. 29,009

LCM:lfm
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100